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CASE C-309
1-30-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 3761

John A. Gent et al

Examiner: J.A. Webb

APPLICATION NO: 09/348,954

FILED: July 7, 1999

FOR: IMPROVEMENTS RELATING TO POUCHES FOR COLLECTING MATTER EXCRETED
BY THE BODY

Assistant Commissioner for Patents
Washington, D.C. 20231

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PRELIMINARY AMENDMENT

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Sir:

In response to the Final Office Action mailed August 5, 2002, in the above-described application, please consider the following.

In the Claims

Please delete claims 9, 18 and 20-26.

Please amend claims 1-8, 10-17 and 19 as follows:

B1 Sub 1. (Twice Amended) An ostomy pouch for collecting waste excreted from a human body through a stoma, the pouch including an envelope formed of a flexible plastic sheet material defining a waste collection chamber, said envelope having an interior surface portion, a base and top, the envelope having an opening predeterminedly sized for encircling a stoma, the envelope fitting to the human body around the stoma, the envelope having a carrier including an absorbent pad that carries at least one malodour counteractant, said carrier being fixedly attached directly or indirectly to the interior surface portion of the envelope, distal to the base of the envelope.

2. (Twice Amended) The ostomy pouch according to claim 1, wherein the malodour counteractant is a coating on part, or all, of a surface of the carrier.

B2 Sub 3. (Amended) The ostomy pouch according to claim 1, wherein the malodour counteractant is adhered to the carrier by means of an adhesive.

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Docket Number C-309

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

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Address to: Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

This is a request for a **continuation** application under 37 CFR §1.53(d) (continued prosecution application (CPA)) of prior Application No. 09/348,954, filed on July 7, 1999.

Applicant: JOHN A. GENT ET AL

Title: IMPROVEMENTS RELATING TO POUCHES FOR COLLECTING MATTER
EXCRETED BY THE BODY

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR §1.51(b), or (2) the national stage of an international application in compliance with 35 USC §371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC §154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR §1.53(d), but must be filed under 37 CFR §1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR §1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 USC §122 to the extent that any member of the public who is entitled under the provisions of 37 CFR §1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 USC §120 STATEMENT: In a CPA, no references to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 USC §120 and to every application assigned the application number identified in such request, 37 CFR §1.78(a).

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1. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR §1.116 in the prior nonprovisional application.
2. ☒ A Preliminary Amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR §1.53(d)(4). DELETE the following inventor(s) named in the prior nonprovisional application:
4. ☐ A new Declaration and Power of Attorney is enclosed.
5. ☐ An Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449 or similar form
 - b. ☐ Copies of IDS citations
6. ☒ A return receipt postcard is enclosed.

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7. ☒ The right to elect an invention or species that is different from that elected in parent Application No. 09/348,954 in the event of a restriction or election of species requirement that is identical or substantially similar to that made in said parent application is hereby reserved.
8. ☐ Other:

Filing fee calculation:

- ☒ Before calculating the filing fee, please enter the enclosed Preliminary Amendment.
- ☒ Before calculating the filing fee, please cancel claims 9, 18, 20-26.

Basic Filing Fee							\$	750
Multiple Dependent Claim Fee (\$ 280)							\$	
	For	Number Filed		Number Extra		Rate		
Extra Claims	Total Claims	17	-20	0	x	\$ 18	=	\$
	Independent Claims	1	-3	0	x	\$ 84	=	\$
TOTAL FILING FEE							\$	750

- ☒ Please charge Deposit Account No. 02-3869 in the name of Bristol-Myers Squibb Company in the amount of \$750. An additional copy of this paper is enclosed. The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.16 and §1.17 which may be required in connection with this application, or credit any overpayment, to Deposit Account No. 02-3869 in the name of Bristol-Myers Squibb Company.

Please address all correspondence to:

- ☒ the present correspondence address for prior Application No. 09/348,954
- ☐ the address associated with Customer No. 26079, which is currently:
- John M. Kilcoyne
Bristol-Myers Squibb Company
Patent Department
100 Headquarters Park Drive
Skillman, NJ 08558

Please direct all telephone calls to the undersigned at the number given below and all telefaxes to (908) 904-2373.

Respectfully submitted,

Date: January 23, 2003


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